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ATTORNEYS FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:	§	CASE NO. 16-41520-13
CARLOS MARTINEZ-DUNCKER	§	
Debtor(s)	§	

AGREED MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE JUDGE OF THE SAID COURT:

CARLOS MARTINEZ-DUNCKER ("Debtor"), and SARA MARIEL OROZCO ("Spouse"), file this Motion For Relief From Automatic Stay (the "Motion") and would respectfully show the Court as follows:

NOTICE

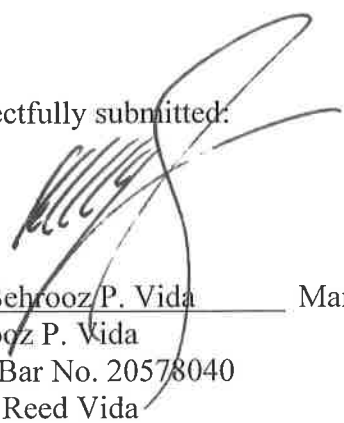
RESPONSE REQUIRED. THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN 14 DAYS FROM THE SERVICE OF THE MOTION. THE DEBTOR'S RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

UNDER BANKRUPTCY RULE 9006(3) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006(f), 3 DAYS ARE ADDED TO THE PERIOD FOR FILING A RESPONSE WHEN NOTICE OF THE PERIOD IS SERVED BY MAIL.

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. § 362.
2. This is a core proceeding.
3. On April 14, 2016, Debtor filed this voluntary Chapter 13 bankruptcy.
4. Debtor and Spouse wish to proceed with and complete a divorce action. Debtor and Spouse are of the opinion that the 2005 BAPCPA changes have mooted the necessity of filing a motion for relief, as far as Debtor's situation is concerned, however, out of an abundance of caution Debtor and Spouse are filing this Motion.
5. Debtor and Spouse seek the entry of an order modifying the automatic stay for cause pursuant to 11 U.S.C. §362(d)(1).

WHEREFORE, PREMISES CONSIDERED, Debtor and Spouse request the entry of an order granting relief from stay so that they may proceed with a divorce action, and granting Debtor and Spouse other and further relief as may be appropriate.

Respectfully submitted:


By: /s/Behrooz P. Vida March 31, 2017
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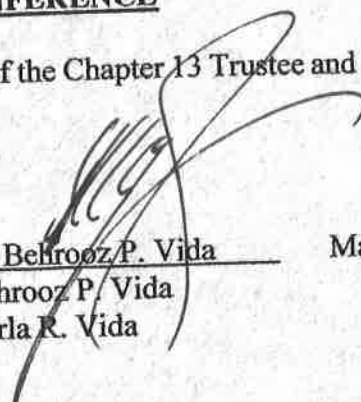
AGREED:


CARLOS MARTINEZ-DUNCKER


SARA MARIEL OROZCO

CERTIFICATE OF CONFERENCE

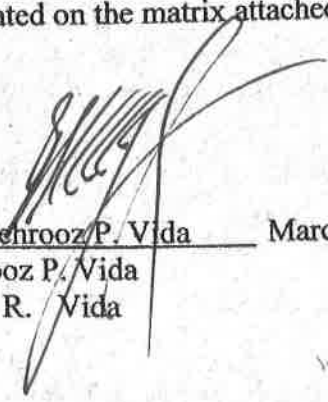
Undersigned has communicated with the office of the Chapter 13 Trustee and the motion is unopposed.


/S/ Behrooz P. Vida
Behrooz P. Vida
Carla R. Vida

March 28, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and forgoing instrument was served on the date that the instrument was filed electronically. Service was accomplished electronically and/or by first class mail to the parties indicated on the matrix attached to the court filed original motion.


By: /s/Behrooz P. Vida
Behrooz P. Vida
Carla R. Vida

March 31, 2017

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